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ABSTRACT

This report outlines amendments to the National School Lunch Act (NSLA) to improve the nutritional well-being of children under the age of 6 living in homeless shelters, and for other purposes. These amendments: (1) modify the homeless children feeding project authorized by the NSLA so that greater program flexibility is provided and more grantees are allowed to participate in the program; (2) authorize the Secretary of Agriculture to solicit and accept private gifts to establish a program to promote breastfeeding; (3) make a clarifying change regarding for-profit child care center eligibility in the Child and Adult Care Food Program and reauthorize a demonstration program that determines a for-profit center's eligibility in the program; (4) modify the definition of "nutritional risk" in the Special Supplemental Food Program for Women, Infants, and Children (WIC); and (5) reauthorize a demonstration program under the NSLA which enabled 60 school districts to receive cash payments or letters of credit in lieu of entitlement commodities. The report describes committee action on the proposed amendments, provides background information on the legislation, and reprints the text of the amendments. (MDM)

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102D CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
102-645

ED356069

CHILD NUTRITION AMENDMENTS OF 1992

JULY 1, 1992.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FORD of Michigan, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany S. 2759]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the Act (S. 2759) to amend the National School Lunch Act to improve the nutritional well-being of children under the age of 6 living in homeless shelters, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the Act as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Nutrition Amendments of 1992".

TITLE I—NUTRITION IMPROVEMENT FOR HOMELESS CHILDREN

SEC. 101. HOMELESS CHILDREN'S FEEDING PROJECTS.

(a) IN GENERAL.—Section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c) is amended—

(1) by inserting before "private nonprofit" each place it appears in paragraphs (2)(A), (2)(B), and (5)(A) the following: "State, city, local, or county governments, other public entities, or";

(2) in paragraph (3)(A) by adding at the end the following new sentences: "The projects shall receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of any such project. The meal pattern requirements of this subparagraph may be modified as necessary by the Secretary to take into account the needs of infants.";

(3) in paragraph (5)(A) by striking "and not less than $350,000 in each of the fiscal years 1991, 1992, 1993, and 1994," and inserting "not less than $350,000 in

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each of fiscal years 1991 and 1992, not less than $650,000 in fiscal year 1993, and not less than $800,000 in fiscal year 1994,"; and

(4) by adding at the end the following new paragraph:

"(7) The Secretary shall advise each State of the availability of the projects established under this subsection for States, cities, counties, local governments and other public entities, and shall advise each State of the procedures for applying to participate in the project.".

(b) OTHER MEANS.—(1) The Secretary of Agriculture may conduct demonstration projects other than those required under section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c)) to identify other effective means of providing food assistance to homeless children residing in temporary shelters.

(2) None of the funds provided under section 18(c)(5)(A) of the National School Lunch Act may be used by the Secretary of Agriculture to conduct a demonstration project under paragraph (1) of this subsection.

TITLE II—BREASTFEEDING PROMOTION AND IMPROVEMENT OF OTHER CHILD NUTRITION PROGRAMS

SEC. 201. BREASTFEEDING PROMOTION PROGRAM.

The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by adding at the end of the following new section:

"SEC. 21. BREASTFEEDING PROMOTION PROGRAM.

"(a) IN GENERAL.—The Secretary, from amounts received under subsection (d), shall establish a breastfeeding promotion program to promote breastfeeding as the best method of infant nutrition, foster wider public acceptance of breastfeeding in the United States, and assist in the distribution of breastfeeding equipment to breastfeeding women.

"(b) CONDUCT OF PROGRAM.—In carrying out the program described in subsection (a), the Secretary may—

"(1) develop or assist others to develop appropriate educational materials, including public service announcements, promotional publications, and press kits for the purpose of promoting breastfeeding;

"(2) distribute or assist others to distribute such materials to appropriate public and private individuals and entities; and

"(3) provide funds to public and private individuals and entities, including physicians, health professional organizations, hospitals, community based health organizations, and employers, for the purpose of assisting such entities in the distribution of breastpumps and similar equipment to breastfeeding women.

"(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with Federal agencies, State and local governments, and other entities to carry out the program described in subsection (a).

"(d) GIFTS, BEQUESTS, AND DEVISES.—

"(1) IN GENERAL.—The Secretary is authorized to solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of establishing and carrying out the program described in subsection (a). Gifts, bequests, or devises of money and proceeds from the sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Secretary.

"(2) CRITERIA FOR ACCEPTANCE.—The Secretary shall establish criteria for determining whether to solicit and accept gifts, bequests, or devises under paragraph (1), including criteria that ensure that the acceptance of any gifts, bequests, or devises would not—

"(A) reflect unfavorably on the ability of the Secretary to carry out the Secretary's responsibilities in a fair and objective manner; or

"(B) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in the program.".

SEC. 202. CHILD CARE CLARIFICATION.

The second sentence of section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended by striking "of the children" and all that follows through "services" and inserting the following: "of its enrolled children or 25 percent of its licensed capacity, whichever is less".

SEC. 203. EXTENSION OF DEMONSTRATION PROJECTS.

Section 17(p) of the National School Lunch Act (42 U.S.C. 1766(p)) is amended by adding at the end the following new paragraph:

"(5) Notwithstanding paragraph (4)(B), the Secretary shall continue until September 30, 1994, the two pilot projects established under this subsection to the extent, and in such amounts, as are provided for in advance in appropriations Acts.".

SEC. 204. INCLUSION OF HOMELESSNESS AND MIGRANCY AS NUTRITIONAL RISK CONDITIONS.

Section 17(b)(8)(D) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(8)(D)) is amended by inserting before the period the following: ", homelessness, and migrancy".

TITLE III—REAUTHORIZATION OF PILOT PROGRAM

SEC. 301. REAUTHORIZATION OF PILOT PROGRAM.

Paragraph (1) of section 18(b) of the National School Lunch Act (42 U.S.C. 1769(b)) is amended by striking "September 30, 1992" and inserting "September 30, 1994".

Amend the title so as to read:

An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve certain nutrition programs, to improve the nutritional health of children, and for other purposes.

Explanation of the Amendment

The Committee amendment strikes all after the enacting clause and inserts a substitute text. The provisions of the substitute text are explained hereafter in this report.

Introduction

In reporting S. 2759 as amended, the Committee proposes to: amend the homeless children feeding project authorized by the National School Lunch Act to provide program flexibility and allow more grantees to participate in the program; authorize the Secretary of Agriculture to solicit and accept private gifts to establish a breastfeeding promotion program; make a clarifying change regarding for-profit child care center eligibility in the Child and Adult Care Food Program and reauthorize a demonstration program examining a different method of determining such a center's eligibility in the program; amend the definition of "nutritional risk" in the Special Supplemental Food Program for Women, Infants, and Children (WIC); and reauthorize a demonstration program under the National School Lunch Act which enabled 60 school districts to receive an alternative to their commodity reimbursement entitlement.

Committee Action

S. 2759 was passed by the Senate on May 20, 1992, and was referred to the Committee on Education and Labor. S. 2759 was considered by the full Committee on Education and Labor on June 10, 1992. Mr. Kildee, Chairman of the Subcommittee on Elementary, Secondary, and Vocational Education, offered an amendment in the nature of a substitute to S. 2759 which incorporated the provisions of S. 2760, The Child Nutrition Improvements Act of 1992, and H.R. 2933, a bill to reauthorize a school lunch demonstration program which Mr. Kildee had introduced with Chairman Ford

and Mr. Goodling. The amendment was adopted, and the bill was ordered reported, as amended, by a roll call vote of 39 to 0.

Background and Need for Legislation

Homeless children living in temporary shelters often have limited access to an adequate and healthy diet. The Federal child nutrition programs, while designed to help meet the nutritional needs of children from low income families, do not, in fact, reach many children in homeless shelters. This is especially true for children under the age of 6, or preschool age children, because they do not have access to the meals offered through school food programs.

While the Summer Food Program can partially meet the nutritional needs of young homeless children during the summer months, these children are deprived of assistance during the rest of the year. The lack of an adequate diet can make these children vulnerable to disease and illness.

For these reasons, the Child Nutrition and WIC Amendments of 1989 (Public Law 101-147) established a demonstration project to provide year-round food service to homeless children under age 6 in emergency shelters. Under the child nutrition homeless demonstration, the Secretary entered into agreements with private non-profit organizations to conduct the project at emergency homeless shelters.

The Committee has been very encouraged by the success of the project thus far, and expects that the amendments to the program contained in S. 2759, as amended, will improve program flexibility. These amendments will enable the project, during its remaining 2 years, to better determine the most effective method for delivering meals to homeless children living in shelters.

Title II of S. 2759, as amended, authorizes the Secretary to solicit and accept gifts, bequests, and devises of services and property to establish a breastfeeding promotion program designed to educate the public concerning the fact that breastfeeding is the best method of infant nutrition.

Breastfeeding benefits both the physical and emotional health of infants as well as their mothers. The benefits for infants include protection from ear infections, diarrhea, and respiratory illnesses through the immunologic properties of breastmilk. Breastmilk is also the most complete and most easily digestible source of nutrition for infants.

The Surgeon General, Antonia Novello, as well as the leaders of the major health professional organizations have endorsed breastfeeding as the preferred method of infant feeding. However, despite these advantages, in 1988 only 54 percent of U.S. mothers in the general population were breastfeeding at hospital discharge, and only 21 percent were breastfeeding when their babies were five to six months of age.

One of the main barriers to breastfeeding is that it is often misunderstood. The media and education activities authorized by this program would help foster a more positive and encouraging attitude toward breastfeeding, and would heighten the awareness of health providers, employers, educators, policymakers, and community groups concerning methods for encouraging breastfeeding.

The 1989 reauthorization of the Child and Adult Care Food Program included a provision designed to test an alternative method for enabling for-profit child care centers to participate in the program (Public Law 101-147, section 105(b)(4)). Under current practices, such a center is eligible to participate in the program if 25 percent of the children attending the center are low income and receive child care assistance under Title XX of the Social Security Act. In contrast, this demonstration project allows centers in Kentucky and Iowa to participate if 25 percent of the children qualify for free or reduced price lunch under the National School Lunch Act (family incomes are below 185 percent of poverty).

Given the new sources of child care funding made available to low income families over the last few years through the Child Care Block Grant Act and the JOBS program, the committee is aware that using the receipt of Title XX Social Security assistance as the only criterion for eligibility would in effect make some for-profit centers ineligible even though they serve a large percentage of low income children. S. 2759 reauthorizes this demonstration through 1994, at which time the issue and the results of the demonstration will be examined in the context of the Child and Adult Care Food Program reauthorization.

The bill, as amended, also clarifies that in determining eligibility, a for-profit center's licensed capacity or enrollment figure is used, whichever is less, in order to avoid counting part-time children disproportionately.

Title III of S. 2759, as amended, reauthorizes the pilot program under the National School Lunch Act which authorized 60 school districts to receive cash payments or commodity letters of credit (CLOC) in lieu of entitlement commodities for their school lunch programs. The participating school districts were test sites in a congressionally mandated pilot project to study the effects of alternative commodity distribution systems on school lunch programs and agricultural markets. The study took place during the school years 1981-82 through 1984-85, and findings issued by the United States Department of Agriculture (USDA) in 1985 and 1986 offered inconclusive evidence about whether the cash/CLOC alternatives provided more nutritious foods, more efficiently and at lower cost, for school lunch program operators than the existing USDA commodity distribution system.

Continued use of alternative systems by the test schools beyond the study period was first authorized in the 1985 omnibus farm bill (Public Law 99-198), and twice extended, under the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100-237) and the Child Nutrition and WIC Reauthorization Act of 1989 (Public Law 101-147). In response to criticisms of some elements of the CLOC alternative, the 1989 reauthorization authorized the Secretary to design and test modifications to the program which were implemented in school year 1990/91. In March of 1992, USDA issued an evaluation of the effects of these modifications in the "Commodity Letter of Credit Modification Demonstration Evaluation." The study states that:

> Overall, the findings indicate that a number of the major differences in the performance of CLOC and com-

modity school food authorities found in the previous study and that were the focus of the CLOC modifications have been narrowed or eliminated. Furthermore, the principal attractions of CLOC were found to have been largely unaffected by these modifications.

Based on these results and the positive experiences of the schools participating in the program, the Committee proposes a two year extension, during which the program will be thoroughly reviewed in the context of the reauthorization of the school lunch program.

In order to more accurately test the CLOC alternative to commodities, the Committee directs the Secretary to increase the number of school districts receiving commodity letters of credit under the modified program from the current 25 to 30, the number of sites that originally participated in the program. Specifically, the Committee directs the Secretary to add four small school districts with enrollments at or below the 1,000 student level and one large school district in Grand Rapids, Michigan to the modified CLOC program in order to establish a more representative sample and therefore gather more accurate data concerning the advantages and disadvantages of this program. Such an increase would address the observations made in the March 1992 evaluation of the project regarding "Sample Size and Representatives."

Explanation of the Bill

SHORT TITLE

The short title of S. 2759, as amended, is the "Child Nutrition Amendments of 1992."

NUTRITION IMPROVEMENT FOR HOMELESS CHILDREN

Title I amends the homeless children feeding demonstration provisions of the National School Lunch Act. Under current law, only private non-profit sponsors are eligible grantees. The amendment will allow State and local governments to apply for grants. It also will allow more grantees to participate by increasing the minimum funding levels of $350,000 for fiscal year 1991 and 1992, to $650,000 for fiscal year 1993, and $800,000 for fiscal year 1994. The amendment also improves program flexibility by allowing projects to receive reimbursement for meals served on weekends and holidays and by allowing the Secretary to modify the meal pattern requirements to take into account the needs of infants.

BREAST FEEDING PROMOTION

Section 201 authorizes the Secretary to solicit and accept gifts, bequests, and devises of services and property to establish a breast feeding promotion program to conduct a national campaign and educational program on breast feeding. Activities under the program may include: developing educational and promotional materials; distributing such materials; and providing funds to the appropriate entities to assist in the distribution of breast pumps and similar equipment to breast feeding women.

CHILD AND ADULT CARE FOOD PROGRAM

Sections 202 and 203 amend the Child and Adult Care Food Program concerning the participation of for-profit child care centers in the program. Under current law, such a center is eligible to participate in the program if 25 percent of the children attending are receiving assistance under Title XX of the Social Security Act. Section 202 clarifies that, in determining eligibility, if a center's licensed capacity is less than its total enrollment due to part-time children, the licensed capacity figure is used rather than enrollment. This ensures that part-time children do not count disproportionately.

Section 203 reauthorizes a demonstration project under the program which allows for-profit centers in Kentucky and Iowa to participate if 25 percent of the children qualify for free or reduced price lunch under the National School Lunch Act.

NUTRITIONAL RISK UNDER WIC

Section 204 amends the definition of nutritional risk used to determine WIC eligibility to include "homelessness", and "migrancy." This amendment was recommended in the 1992 Biennial Report on WIC issued by USDA and submitted by the National Advisory Council on Maternal, Infant, and Fetal Nutrition in response to the fact that families, and therefore women and children, constitute the fastest growing segment of the homeless population nationwide. Evidence of increased risk of malnutrition among homeless children and increased risk of low birthweights for infants born to homeless women is well documented.

At the same time, housing is the number one need of migrant workers, and lack of housing predisposes migrants to all of the risk factors identified for the homeless. Migrants also experience difficulty in accessing proper nutrition and health care due to the fact that they are often working in rural areas and lack transportation allowing them to purchase more nutritional foods or access health care, which can be particularly important for migrant mothers due to the type of labor they perform and their possible exposure to elements in their environment which could prove harmful to their child, born or unborn.

CASH/CLOC REAUTHORIZATION

S. 2759, as amended, reauthorizes the pilot program under the National School Lunch Act which authorized 60 school districts to receive cash payments or commodity letters of credit (CLOC) in lieu of entitlement commodities for their school lunch programs through 1994. The amendment makes no other changes regarding the operation of the program.

COMMITTEE APPROVAL

In compliance with clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives, the Committee states that on June 20, 1992 a quorum being present, the Committee favorably ordered reported S. 2759 by roll call vote of 39 to 0.

Oversight Statement

In compliance with clause 2(l)(3)(A), of rule XI of the Rules of the House of Representatives, this report embodies the findings and recommendations of the Subcommittee on Elementary, Secondary, and Vocational Education, established pursuant to clause 2(b)(1) of Rule of X of the House of Representatives and Rule 18(a) of the Rules of the Committee on Education and Labor. Pursuant to its responsibilities, the Committee has determined that legislation should be enacted as set for forth in S. 2759, as amended.

Inflationary Impact Statement

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of S. 2759 will have little inflationary impact on prices and costs in the operation of the national economy. It is the judgement of the Committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

Oversight Findings and Recommendations of the Committee on Government Operations

In compliance with clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee states that no findings or recommendations of the Committee on Government Operations were submitted to the Committee.

Cost of This Legislation

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3) (B) and (C) of rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, June 22, 1992.

Hon. William D. Ford,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate of S. 2759, the Homeless Children Nutrition Improvement Act, as ordered reported by the House Committee on Education and Labor on June 10, 1992. This bill would create a new breast-feeding promotion program and would extend and expand certain child nutrition demonstration projects. Enactment of this legislation would result in direct spending and could affect receipts and would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. As a result, the estimate required under clause 8 of the House Rule XXI is attached.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S.2759.

2. Bill title: Homeless Children Nutrition Improvement Act of 1992.

3. Bill status: As ordered reported by the House Committee on Education and Labor on June 10, 1992.

4. Bill purpose: The bill would authorize a new breast-feeding promotion program and would extend and expand certain child nutrition demonstration projects.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1993	1994	1995	1996	1997
Direct spending:					
Child nutrition provisions (Secs. 101 and 202):					
Budget authority	(1)	1	(1)	(1)	(1)
Outlays	(1)	1	(1)	(1)	(1)
Breast-feeding promotion program (Sec. 201):					
Budget authority	(2)	(2)	(2)	(2)	(2)
Outlays	(2)	(2)	(2)	(2)	(2)
Receipts: Breast-feeding promotion program (Sec. 201)	(2)	(2)	(2)	(2)	(2)
Authorization of appropriations:					
Autorization level	3	3			
Outlays	3	3			

[1] Less than $500,000.
[2] The amount of gift giving and associated outlays under the breast feeding promotion program cannot be estimated, but the difference between the value of gifts received and total outlays for the program is expected to be less than $500,000 in any year.

The costs of this bill fall within budget function 600.

Basis of estimate: Direct Spending and Receipts: Two child nutrition provisions in S. 2759, sections 101 and 202, would affect direct spending. The combined effect of these two provisions is an increase in outlays of $1 million in 1994 and of less than $500,000 in all other years.

Section 101 would amend section 18(c) of the National School Lunch Act to increase the funding levels for demonstration projects to provide food service to homeless children under the age of six in emergency shelter. Funding would be increased from $350,000 in each of fiscal years 1993 and 1994 to $650,000 in fiscal year 1993 and $800,000 in fiscal year 1994. This amendment is estimated to increase direct spending under the child nutrition programs by $300,000 in fiscal year 1993 and $450,000 in fiscal year 1994.

The second provision, section 202, would clarify the measurement of low-income enrollment in for-profit child care centers when determining eligibility for the Child and Adult Care Food Program. CBO estimates that very few centers would be affected and that outlays would increase by $100,000 annually.

Section 201 would affect both direct spending and revenues. The Secretary of Agriculture would be authorized to solicit and accept

gifts to be used to fund a breast-feeding promotion program. The magnitude of any gift giving, and thus any result outlays, cannot be estimated. Nevertheless, because the Department of Agriculture anticipates rapid disbursement of any gifts received, the difference between such receipts and outlays is expected to be less than $500,000 in any year.

Authorization of Appropriations: Section 203 would extend a demonstration program that expands the eligibility of for-profit child care centers for the Child and Adult Care Food Program. The demonstration, due to expire on September 30, 1992, would be extended through September 30, 1992, would be extended through September 30, 1994, to the extent, and in such amounts, as are provided for in advance in appropriations acts. Based on recent monthly costs in the two states that operate the demonstration projects, CBO estimates that full funding for an extension would cost close to $3 million annually. The cost estimate assumes full appropriation of these amounts.

Section 301 would extend through fiscal year 1994 a pilot project allowing 60 school districts to receive cash payments or commodity letter of credit in lieu of entitlement commodities for their school lunch programs. This bill would have no direct spending effect because it would not change the level of entitlement spending under the National School Lunch Act. It would, however, increase administrative costs for the Food and Nutrition Service by approximately $120,000 annually. These costs are primarily associated with monitoring and processing the commodity letters of credit in lieu of commodities.

6. Pay-as-you-go considerations: Section 101 and 202 of S. 2759 would increase outlays by one million in 1994 and by less than $500,000 in 1993 and 1995. Section 201 could increase both outlays and receipts in 1993-1995, but CBO cannot estimate the amounts. The net deficit effect of section 201, however, is expected to be less than $500,000 per year for the reason cited above. Because both outlay and receipt effects of section 201 are indeterminate, it is not possible to quantify the total effects of the bill on receipts and outlays.

7. Estimated cost to state and local government: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Joshua Leichter and Julia B. Isaacs.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE [1]

The applicable cost estimate of this act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[1] An estimate of S. 2759 as ordered reported by the House Committee on Education and Labor on June 10, 1992 the estimate was transmitted by the Congressional Budget Office on June 22, 1992

[By fiscal year, in millions of dollars]

	1993	1994	1995
Change in outlays	(1)	(1)	(1)
Change in receipts	(1)	(1)	(1)

[1]CBO cannot estimate the exact amount of additional spending or receipts.

COMMITTEE ESTIMATE

With reference to the statement required by clause 7(a)(1) of Rule XIII of the Rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

SECTION-BY-SECTION ANALYSIS

Short Title—Child Nutrition Amendments of 1992

Title I—Nutrition Improvement for Homeless Children.—This title amends the homeless children feeding demonstration provision of the National School Lunch Act to make State and local governments eligible grantees and improves program flexibility to better serve homeless children.

This amendment also increases the minimum funding levels of $350,00 for FY 1991 and 1992, to $650,000 for FY 1993, and $800,000 for FY 1994.

Title II—Breastfeeding Promotion and Improvement of Other Child Nutrition Programs

Section 201—Breastfeeding Promotion Program.—This section authorizes the Secretary to solicit and accept gifts, bequests, and devises of services and property to establish a breastfeeding program to promote breastfeeding as the best method of infant nutrition.

Section 202—Child Care Clarification.—Clarifies that for-profit child care center eligibility in the Child and Adult Care Food Program is based on licensed capacity or enrollment, whichever is less.

Section 203—Extension of Demonstration Projects.—Continues a demonstration program under the Child and Adult Care Food Program which enables for-profit child care centers in Kentucky and Iowa to be eligible for the program if 25% of the children are eligible for free or reduced price school lunch.

Section 204—Inclusion of Homelessness and Migrancy as Nutritional Risk Conditions.—Clarifies that "homelessness" and "migrancy" are nutritional risk factors to be taken into account when determining eligibility for WIC benefits.

Title III—Reauthorization of Pilot Program

Section 301—Reauthorizes the pilot program under the National School Lunch Act which enabled 60 school districts to receive cash payments or commodity letters of credit in lieu of entitlement commodities for their school lunch programs.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL SCHOOL LUNCH ACT

* * * * * * *

CHILD AND ADULT CARE FOOD PROGRAM

SEC. 17. (a) The Secretary may carry out a program to assist States through grants-in-aid and other means to initiate, maintain, and expand nonprofit food service programs for children in institutions providing child care. For purposes of this section, the term "institution" means any public or private nonprofit organization providing nonresidential child care, including, but not limited to, child care centers, settlement houses, recreational centers, Head Start centers, and institutions providing child care facilities for children with handicaps; and such terms shall also mean any other private organization providing nonresidential day care services for which it receives compensation from amounts granted to the States under title XX of the Social Security Act (but only if such organization receives compensation under such title for at least 25 percent [of the children for which the organization provides such nonresidential day care services] *of its enrolled children or 25 percent of its licensed capacity, whichever is less*). In addition, the term "institution" shall include programs developed to provide day care outside school hours for schoolchildren, and public or nonprofit private organizations that sponsor family or group day care homes. Reimbursement may be provided under this section only for meals or supplements served to children not over 12 years of age (except that such age limitation shall not be applicable for children of migrant workers if 15 years of age or less or for children with handicaps). The Secretary may establish separate guidelines for institutions that provide care to school children outside of school hours. For purposes of determining eligibility—

(1) * * *

* * * * * * *

(p)(1) * * *

* * * * * * *

(5) Notwithstanding paragraph (4)(B), the Secretary shall continue until September 30, 1994, the two pilot projects established under this subsection to the extent, and in such amounts, as are provided for in advance in appropriations Acts.

* * * * * * *

PILOT PROJECTS

SEC. 18. (a) * * *

(b)(1) Upon request to the Secretary, any school district that on January 1, 1987, was receiving all cash payments or all commodity letters of credit in lieu of entitlement commodities for its school lunch program shall receive all cash payments or all commodity letters of credit in lieu of entitlement commodities for its school

lunch program beginning July 1, 1987, and ending September 30, [1992] *1994*. The Secretary, directly or through contract, shall administer the project under this subsection.

(c)(1) * * *

(2)(A) The Secretary shall enter into agreements with *State, city, local, or county governments, other public entities, or* private nonprofit organizations to participate in the projects under this subsection.

(B) The Secretary shall establish eligibility requirements for *State, city, local, or county governments, other public entities, or* private nonprofit organizations that desire to participate in the projects under this subsection. Such requirements shall include the following:

(i) Each such organization shall operate not more than 5 food service sites under the project and shall serve not more than 300 homeless children at each such site.

(ii) Each site operated by each such organization shall meet applicable State and local health, safety, and sanitation standards.

(3)(A) Projects under this subsection shall use the same meal patterns and shall receive reimbursement payments for meals and supplements at the same rates provided to child care centers participating in the child care food program under section 17 for free meals and supplements. *The projects shall receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of any such project. The meal pattern requirements of this subparagraph may be modified as necessary by the Secretary to take into account the needs of infants.*

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(5)(A) Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection from amounts appropriated for purposes of carrying out this Act not less than $50,000 in the fiscal year 1990 [and not less than $350,000 in each of the fiscal years 1991, 1992, 1993, and 1994,] *not less than $350,000 in each of fiscal years 1991 and 1992, not less than $650,000 in fiscal year 1993, and not less than $800,000 in fiscal year 1994,* in addition to any amounts made available under section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966. Any amounts expended under the preceding sentence shall be used solely to provide grants on an annual basis to *State, city, local, or county governments, other public entities, or* private nonprofit organizations for the conduct of projects under this subsection.

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(7) The Secretary shall advise each State of the availability of the projects established under this subsection for States, cities, counties, local governments and other public entities, and shall advise each State of the procedures for applying to participate in the project.

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CHILD NUTRITION ACT OF 1966

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SPECIAL SUPPLEMENTAL FOOD PROGRAM

SEC. 17. (a) * * *

(b) As used in this section—

(1) * * *

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(8) "Nutritional risk" means (A) detrimental or abnormal nutritional conditions detectable by biochemical or anthropometric measurements, (B) other documented nutritionally related medical conditions, (C) dietary deficiencies that impair or endanger health, or (D) conditions that predispose persons to inadequate nutritional patterns or nutritionally related medical conditions, including, but not limited to, alcoholism and drug addiction*; homelessness; and migrancy*.

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SEC. 21. BREASTFEEDING PROMOTION PROGRAM.

(a) IN GENERAL.—The Secretary, from amounts received under subsection (d), shall establish a breastfeeding promotion program to promote breastfeeding as the best method of infant nutrition, foster wider public acceptance of breastfeeding in the United States, and assist in the distribution of breastfeeding equipment to breastfeeding women.

(b) CONDUCT OF PROGRAM.—In carrying out the program described in subsection (a), the Secretary may—

(1) develop or assist others to develop appropriate educational materials, including public service announcements, promotional publications, and press kits for the purpose of promoting breastfeeding;

(2) distribute or assist others to distribute such materials to appropriate public and private individuals and entities; and

(3) provide funds to public and private individuals and entities, including physicians, health professional organizations, hospitals, community based health organizations, and employers, for the purpose of assisting such entities in the distribution of breastpumps and similar equipment to breastfeeding women.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with Federal agencies, State and local governments, and other entities to carry out the program described in subsection (a).

(d) GIFTS, BEQUESTS, AND DEVISES.—

(1) IN GENERAL.—The Secretary is authorized to solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of establishing and carrying out the program described in subsection (a). Gifts, bequests, or devises of money and proceeds from the sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Secretary.

(2) CRITERIA FOR ACCEPTANCE.—The Secretary shall establish criteria for determining whether to solicit and accept gifts, bequests, or devises under paragraph (1), including criteria that ensure that the acceptance of any gifts, bequests, or devises would not—

(A) reflect unfavorably on the ability of the Secretary to carry out the Secretary's responsibilities in a fair and objective manner; or

(B) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in the program.

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